

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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OCTAVIA KILLION,

Case No. 22-CV-1795 (ECT/JFD)

Plaintiff,

v.

**ORDER**

SHAKOPEE WOMEN PRISON and  
DOC EMPLOYEES,

Defendants.

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This matter is before the Court on two concerns:

First, plaintiff Octavia Killion has filed a motion to amend her complaint. (*See* Dkt. No. 15.) Ms. Killion is permitted to amend her complaint once as a matter of course at this stage of the proceedings, with no leave of court required. *See* Fed. R. Civ. P. 15(a)(1). Nevertheless, to make clear that Ms. Killion's proposed amended complaint (Dkt. No. 15-1) is now the operative pleading in this matter, Ms. Killion's motion to amend will be granted.

Second, Ms. Killion was previously directed to pay an initial partial filing fee of \$82.41, consistent with 28 U.S.C. § 1915(b). (*See* Dkt. No. 11.) If Ms. Killion intends to prosecute this matter, that initial partial filing fee must be submitted by no later than November 21, 2022, failing which it will be recommended that this matter be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b). No further extensions of the payment deadline will be granted.

**ORDER**

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff Octavia Killion's motion to amend (Dkt. No. 15) is **GRANTED**.
2. The Clerk of Court is directed to redocket the proposed amended complaint (Dkt. No. 15-1) as the amended complaint in this matter.
3. Ms. Killion must pay her initial partial filing fee of \$82.41 by no later than November 21, 2022, failing which it will be recommended that this matter be dismissed without prejudice for failure to prosecute.

Dated: November 1, 2022

*s/ John F. Docherty*  
JOHN F. DOCHERTY  
United States Magistrate Judge